

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ELIJAH COLE MISENER,

Plaintiff,
v.

CITY OF MADISON, et al.

Defendants.

ORDER

Case No. 25-cv-329-wmc

ELIJAH COLE MISENER,

Plaintiff,
v.

GARY VANDIVIER, et al.

Defendants.

ORDER

Case No. 25-cv-383-wmc

Plaintiff Elijah Cole Misener has submitted a certified inmate trust fund account statement in support of a motion for leave to proceed without prepaying the filing fee. The court must now determine whether plaintiff qualifies for indigent status and, if so, calculate an initial partial payment of the filing fees.

Even when an inmate litigant qualifies for indigent status, the litigant must pay a portion of the filing fee pursuant to 28 U.S.C. § 1915(b)(1). Using information from plaintiff's trust fund account statement, I have calculated plaintiff's initial partial payment for each case to be \$129.91 (total \$259.82). For the cases to proceed, plaintiff must submit the amount(s) on or before June 12, 2025.

ORDER

IT IS ORDERED that:

1. Plaintiff Elijah Cole Misener is assessed an initial partial payment for each case of \$129.91 (total \$259.82). Plaintiff must submit the check(s) or money order(s) payable to the clerk of court by June 12, 2025 or advise the court in writing why plaintiff is not able to make the initial partial payment(s).

2. No further action will be taken in this case until the clerk's office receives the initial partial payment(s) as directed above and the court has screened the complaint(s) as required by the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2). Once the screening process is complete, the court will issue a separate order.

2. If plaintiff fails to make the initial partial payment(s) by June 12, 2025, or fails to show cause why the payments could not be made, then I will assume that plaintiff wishes to withdraw the action(s) voluntarily. In that event, the case(s) will be dismissed without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i). If plaintiff submits the initial partial payment(s) within 30 days of dismissal, the case(s) will be reopened. The court will not reopen the case(s) after 30 days unless plaintiff makes a showing that they are entitled to relief under Federal Rule of Civil Procedure 60(b).

Entered this 21st day of May, 2025.

BY THE COURT:

/s/
ANDREW R. WISEMAN
United States Magistrate Judge